NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing:	27 March 2015
Licence Type:	Application for the grant of a premises licence
Name of Applicant:	James Edward Clark of 17 Colegate, Norwich
Name of Premises/Postal Address of Premises:	17 Colegate, Norwich NR3 1BM
Licensing Sub-Committee: ("the Committee")	Cllr Woollard (Chair), Henderson and Jones
Responsible authorities:	No representations have been received from responsible authorities
Other persons present:	James Clark and Glynis Clark for the applicant, Simeon Jackson representative of objector, Gillian McArthur objector, Rosie Van Stone objector, David Lowens Solicitor nplaw and Mr Ian Streeter Norwich City Council Licensing Manager

DETERMINATION:

1. The licencing Manager presented the report.

2. The applicant with the assistance of Mrs Clark then presented his application noting that he had been a publican for 26 years and the intention was to open a dining area as a tea room. The courtyard area had been applied for as part of the licence. It was intended that generally alcohol would be served with food. Mrs Clark mentioned that she had run a 4 star bed and breakfast establishment for a number of years and she and her daughter had decided to open the proposed tea room. There would be no music outside and noise would be kept to a minimum. To do otherwise would be detrimental to the bed and breakfast business. Drunkenness was not expected and there was no need they suggested for a SIA supervisor.

3. Local objectors spoke regarding their concerns about noise and the intensity of use and noted that this was a residential area and they were concerned regarding noise and smoke coming over the boundary wall. The objectors asked the committee to consider the changes that may take place if the ownership changed and one objector was concerned that the premises licence if granted with the consent to alcohol sales would compromise the nature of the environment.

4. During discussion the applicants confirmed that the following conditions were part of their proposed operating schedule.

i) All alcohol is to be served at table.

ii) There will be no separate bar.

iii) No alcohol will be on display.

iv) Alcohol will only be served with food.

v) Sale of alcohol past 1800 hours will be for pre-booked occasions only save to residents and their guests.

vi) There will be no external disposal of glass containers.

vii) The sale of alcohol in the period 1800 to 2200 hours is on a maximum of 75 days per calendar year save to residents and their guests.

DECISION OF THE LICENSING SUB-COMMITTEE

5. The Committee approved the application for the grant of a premises licence with the conditions mentioned above and those already present on the proposed operating schedule.

REASONS FOR THE COMMITTEE'S DECISION

6. It would not be reasonable for the application to be refused in respect of the behaviour of persons outside the control of the applicants. There are sensible controls provided by condition in respect of the provision of alcohol with food and there are a limited number of occasions past 1800 hours when the sale of alcohol under premises licence can be operated (save to residents and their guests) which indicated a sensible and proportionate attempt to take account of the nature of the area.

7. The Council should not refuse a premises licence for speculative reasons and it was noted that the review system is available.

8. There are no objections from the responsible authorities indicating that the Environmental Health Department and the Police are not concerned regarding these proposals.

9. Insufficient grounds have been shown that granting the licence would fail to promote the licensing objectives.

RIGHT OF THE PARTY TO APPEAL AGAINST THE DECISION OF THE LICENSING SUB-COMMITTEE

10. A person who made relevant representations who wishes to contend that the licence ought not to have been granted or that on granting the licence the licensing authority should have imposed different or additional conditions, or to have taken a step mentioned in S18(4)(b) or (c) may appeal this decision to the magistrates court within 21 days of receipt of written notification.

Dated this 16 April 2015